

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**IN RE: BROILER CHICKEN GROWER
ANTITRUST LITIGATION (NO. II)**

MDL No. 6:20-2977-RJS-CMR

Hon. Chief Judge Robert J. Shelby

Hon. Cecilia M. Romero

JOINT STATUS REPORT

Plaintiffs¹ and Defendant Pilgrim's Pride Corporation ("Pilgrim's") have met and conferred and submit this joint status report summarizing the current state of this litigation.

I. PENDING MOTIONS

Pending before the Court are the following motions:

- Plaintiffs' Motion and Memorandum of Law in Support of Motion for Class Certification (ECF No. 454) (argument heard July 14, 2023)
- Pilgrim's' Motion and Memorandum of Law in Support of Motion to Exclude Certain Opinions of Plaintiffs' Expert Witness Hal J. Singer Pursuant to Federal Rule of Evidence 702 (ECF No. 456) (argument heard July 13, 2023)
- Plaintiffs' Motion and Memorandum of Law in Support of Motion to Exclude Certain Opinions Offered by Pilgrim's' Proffered Experts (ECF No. 455)
 - Plaintiffs continue to believe that their *Daubert* motion raises straightforward arguments that do not require complex analysis and can be decided on the papers without oral argument. Should it please the Court, however, Plaintiffs are available at the Court's convenience for argument on Plaintiffs' *Daubert* motion.
 - As Pilgrim's previously stated, Pilgrim's disagrees. When the Court does entertain that *Daubert* motion, Pilgrim's believes it would be helpful to the Court to hold oral argument.

¹ "Plaintiffs" includes Haff Poultry, Inc., Nancy Butler, Johnny Upchurch, Jonathan Walters, Myles Weaver, Marc McEntire, Karen McEntire, and Mitchell Mason, on behalf of themselves and all others similarly situated.

II. UPDATE ON SETTLEMENT FUND DISTRIBUTIONS

Tyson and Perdue: The Court ordered distribution of the Tyson and Perdue Settlement Funds on November 16, 2022. ECF No. 422. There is a remainder in the Tyson and Perdue Settlement Funds due to uncashed and undeliverable checks. Plaintiffs intend to bring a motion for the Court to authorize a supplemental distribution of the remainder of the Tyson and Perdue Settlement Funds to authorized claimants who cashed their checks and participated in the initial distribution. Plaintiffs expect to bring that motion in the near future.

Koch: The Court ordered distribution of the Koch Settlement Fund on September 22, 2023. ECF No. 781. That distribution process is underway and Plaintiffs will advise the Court if a supplemental distribution of any remainder of the Koch Settlement Fund is necessary.

Sanderson: The Court ordered final approval of the Sanderson Settlement on November 1, 2023. ECF No. 565. The claims deadline is currently December 13, 2023. ECF No. 709 at 3. Once Plaintiffs have processed all claims, they will promptly bring a motion for distribution of the Sanderson Settlement Fund to all authorized claimants.

III. UPCOMING MOTIONS

The summary judgment schedule has been vacated until Plaintiffs' Motion for Class Certification and Pilgrim's Motion to Exclude Certain Opinions of Plaintiffs' Expert Witness Hal J. Singer have been decided by this Court. As such, the Parties await the Court's guidance on the timing of summary judgment briefing.

Dated: November 17, 2023

Respectfully submitted,

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